



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 22 2017

REPLY TO THE ATTENTION OF:

SENT VIA ELECTRONIC MAIL TO: SKohl@wnj.com

C-14J

Steven C. Kohl
Resources, Energy & Environmental Practice Group
Warner Norcross & Judd LLP
2000 Town Center, Suite 2700
Southfield, Michigan 48075

RE: Clean Air Act Section 114 Information Request Issued to L'Anse Warden Electric Company, LLC

Dear Mr. Kohl,

I am writing to respond to your May 9, 2017 email. In your email, you requested relief from the ambient air monitoring requirements included in EPA's February 2, 2016, Section 114 Information Request (Information Request), which included requirements for the installation of a particulate matter ambient air monitoring network at the L'Anse Warden Electric Company, LLC (LWEC) facility in L'Anse, Michigan, now owned by Convergen Energy. EPA issued the Information Request in part due to the agency's concern and citizen complaints regarding fugitive emissions from the facility.

The documentation shared with EPA included correspondence with the Michigan Department of Environmental Quality (MDEQ) in relation to Michigan Consent Order No. 35-2016 (the MDEQ Order). Specifically, LWEC was required to have completed installation of a permanent enclosure of two incline conveyor systems and enclosure a fuel receiving hopper system to eliminate fugitive emissions. The documentation shared with EPA included pictures and a signed letter from LWEC, which stated the enclosures had been completed, as of April 25, 2107. In addition to the documents provided by LWEC on May 9, 2017, EPA has confirmed with MDEQ on the execution of the MDEQ Order.

EPA's Information Request contained two substantive requirements: 1) submit certain records to EPA (Appendix B of the Information Request); and 2) install and operate Federal Reference Method (FRM) and Federal Equivalence Method (FEM) monitors at the facility (Appendix B of the Information Request). EPA received a full response from LWEC on the records submission portion of the Information Request.

In a November 10, 2016 email, EPA agreed to remove the requirements to install a network of FRM and FEM particulate matter air monitors at the LWEC facility, upon completion of the elements of the MDEQ Order that required installation and operation of enclosures controlling fugitive dust from LWEC.

EPA has conducted a thorough review of the information provided on the installation and operation of the enclosures at the facility. EPA has not received any formal fugitive emission complaints from the community since the installation of the enclosures at the site.

Based on the information provided by LWEC, EPA no longer believes that ambient air monitors are required. Accordingly, EPA is no longer requiring the facility to comply with the air monitoring requirements in Appendix B of the 2016 Information Request. If conditions at the facility change, EPA may conduct further inspections and/or issue further Clean Air Act Section 114 information requests requiring, *inter alia*, the facility to conduct ambient air monitoring.

Should you have any questions, please feel free to contact me the attorney assigned to this matter, Nicole Cantello, at 312-886-2870.

Sincerely,



Edward Nam
Director
Air and Radiation Division

CC: Edward Lancaster, MDEQ, LancasterE1@michigan.gov
J.R. Richardson, Convergen Energy, Jr.richardson@pmpowergroup.com